

**District III Advisory Board Minutes**  
**March 4, 2009**  
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The District III Advisory Board meeting was held at 7 p.m. at the Wichita Water Center at 101 E Pawnee. Nine District Advisory Board members were in attendance; approximately 15 City staff and 52 members of the public were present.

**Members Present**

Teresa Cook  
Judy Dillard  
Charlotte Foster  
Jim Gulick  
DeWayne Kitchen  
John Kemp  
Dustin Richey  
Billie Tucker  
Bill Ward  
Council Member Jim Skelton

**Staff Present**

Battalion Chief Tammy Snow, WFD  
Bryan Chavez, WFD  
Dale Miller, Planning  
Kay Johnson, Environmental Services  
Rebecca Lewis, Environmental Services  
Officer Dan Oblinger, Patrol East  
Lt. Clark Wiemeyer, Patrol East  
Officer Dwain Diehl, Patrol South  
Janet Johnson, Neighborhood Services  
Several Wichita firefighters

**Members Absent**

Joann Hartig  
Paula Hearn

**Guests**

Listed on the last page

**ORDER OF BUSINESS**

At 7 p.m. **Council Member Jim Skelton** called the meeting to order. The meeting minutes from Feb. 4, 2009, were approved **9-0**.

**PUBLIC AGENDA**

**Scheduled items**

**MarQuell Woods, Youthville**, said they are always looking for good foster homes. He asked that citizens not pre-judge children who are in the foster care system; that many of them are good kids who have come from bad situations. He left business cards for anyone interested in becoming a foster parent.

**Non-Scheduled items**

No items

**STAFF REPORTS**

**Community Police Report**

**Officer Dan Oblinger, 36 Beat Patrol East**, reported a number of daytime burglaries that have been occurring in the Mt. Vernon area near Woodlawn. He said people who are hosting open houses are being targeted. The thieves enter the house during the open house and unsecure a window; they then come back at a later time and burglarize the home. **Officer Oblinger** asked that

citizens keep an eye out on their neighbors homes and if they have an open house event, to make sure all their windows are locked following the event. He also noted that several WPD and Sedgwick County Sheriff's Deputies will be attending a 40-hour training to teach them the most effective methods of working with the mentally ill. He said he has gone through the training and found it very helpful.

He also reminded everyone that roosters are illegal within the city limits of Wichita.

**Officer Dwain Diehl, 24 Beat Patrol South**, reported the new club at 1825 S. Broadway appears to be going to open; he said the managers are not related to the Chubb's people, to his knowledge.

#### **Wichita Fire Department Report**

**Bryan Chavez** reported there were three structure fires in District 3 during the month of February. He also reminded everyone that Wichita is under a burn ban which includes chimeneas and outdoor fire places. He said it's still okay to use grills and b-b-que's but they should be treated with caution.

**Council Member Skelton** asked if construction of Station 22 is still on schedule. **Battalion Chief Tammy Snow** reported it is still on schedule.

**Action: Receive and file.**

### **NEW BUSINESS**

#### **CON2009-00003 Cornejo landfill Conditional Use Amendment**

**Council Member Skelton** asked for a show of hands on how many people wanted to speak on this item. A significant number raised their hands. As a result **Bill Ward (Gulick) made a motion that members of the public limit their remarks to three minutes or less.**

**The motion passed 9-0**

**Dale Miller, Metropolitan Area Planning**, explained that in February of 1997, Conditional Use 425 was approved by the MAPC that allowed RRM, LLC to develop a C&D landfill on a tract of land that is located south of 31<sup>st</sup> Street South and west of Highway K-15. Ownership of the application area is divided between the City of Wichita, 17.46 acres, and the applicant who owns an abutting 19.18 acres. Combined the two ownerships make up the 38.71-acre C&D site, and the application area that is the subject of this request. Among the conditions of approval was a condition that established a maximum height of fill. The applicant is requesting an amendment to CU-425 (as amended previously by Conditional Use (CON) applications: CON2002-37, CON 2003-51, CON2005-01 and CON2008-42) to increase the allowed height of fill for the C&D landfill to an elevation of 1362 NGVD29 (National Geodetic Vertical Datum of 1929) on the northern end, and 1320 NGVD29 on the southern end. Condition H of both previously approved CON2003-51 and CON2005-01 limit the maximum height of C&D fill to no higher than five feet above the grade of railroad tracks at any cross section.

City Planning staff is recommending approval of the request that would allow for the complete use of the site as a C&D facility, and by some measure, may reduce the demand for C&D capacity in

other locations by the volume allowed with the increased height on this site. Currently, this is the only C&D facility operating in the southern part of Sedgwick County. Increasing the fill height of the facility could reduce the travel distance for citizens, smaller contractors or home remodelers living or working in the southern part of the city and county. The requested height extension up to 1362 on the north would allow a portion of the fill to be some 72 feet higher than the currently permitted northern fill elevation of 1290. The requested southern elevation of 1320 is more consistent with the currently permitted elevation of 1313. Approval of the request to increase the fill height by 72 feet potentially makes it more difficult to re-use the site as a traditional linear park; however improvements such as paved walkways may mitigate some of that concern. It is recommended that the site be developed consistent with the conditions listed below, amending Condition H to permit fill to a maximum height of 1351 NGVD29 on the north and 1320 NGVD29 on the south, including the soil cap required for closure; and references to a transfer station be removed from the site plan.

- A. Demolition and construction wastes as defined by KAR 28-29-3(G) and City Code 7.08.020(8), shall be the only landfill material permitted. Hazardous or toxic wastes, as defined by K.S.A. 65-3430 et seq. shall not be permitted for disposal at the site.
- B. The landfill operation shall obtain all applicable permits and proceed in accordance with all conditions established by the Kansas Department of Health and Environment (KDHE), Wichita-Sedgwick County Health Department, FEMA, the Corps of Engineers, the Department Wildlife and Parks.
- C. The deposit of material on site shall cease by December 31, 2010.
- D. The landfill may be open to the general public. A landfill operator shall be on the site during all hours of operation for the purpose of screening incoming trucks for inventory of the type, size and quantity loads, and direction of loads to the appropriate cells. Hours of operation shall not exceed 7:00 AM to 6:00 PM Monday through Saturday. Access to the subject property shall be prohibited except during the hours of operation.
- E. The delivery of construction and demolition waste to the site shall be only by way of the K-15 entrance.
- F. A minimum 6-foot high fence shall be installed on the earthen screening berms along the northeastern property line, if determined to be needed by the Zoning Administrator, to minimize the blowing of any materials onto adjacent properties. The fence shall be either chain link or welded or woven wire with openings no larger than two inches.
- G. Upon written notice of any violation by the City Zoning Administrator or the Wichita-Sedgwick County Health Department, the operation shall cease and the violation shall be corrected within 48 hours.
- H. A detailed grading/drainage plan shall be submitted to the Department of Public Works for review and approval prior to commencement of operations. A copy of the approved grading and drainage plan shall be submitted to the Planning Department for filing with other case

materials. The operation of the landfill shall be in conformance with the approved grading and drainage plan, and with the "Site Plan, as amended" and "Sections on Construction and Demolition Area" attached as exhibits to these conditions, except that the maximum height

- I. of the fill, including closure cap (exclusive of the screening berm) shall ~~be no more than 5 feet higher than the elevation of the Santa Fe railroad track in any cross-section~~ not exceed NGVD29 Datum elevation of 1351 on the north and 1320 on the south, and the final contour of the fill area shall conform to the elevations depicted on the site plan titled "Closure Plan" and dated 12-24-08. Landfill operations shall be staged, with berms to be constructed and seeded along the east face of the fill to screen the operations for view in that direction. No more than 6 acres shall be in operation at any one time. Prior to the opening of any new area the previous area shall be graded and seeded in accordance with the approved plan.
- J. Prior to commencement of the landfill operation the applicant/owner shall obtain a guarantee acceptable to the City Attorney and payable to the City of Wichita guaranteeing that cover material, final grading, and seeding are performed, as detailed in the approved grading plan. This guarantee shall be in the amount of \$100,000.00.
- K. The applicant/owner shall pay a yearly fee to the City of Wichita to offset the cost of landfill inspection by the Wichita-Sedgwick County Health Department. The fee shall be paid prior to the operation of the landfill and shall be \$1,000.00 for the first 12 months of operation. The fee for subsequent periods shall be established after review and recommendation by the Wichita-Sedgwick County Health Department to the City Council. The maximum increase in the fee shall be limited to 100% for any 12-month period. In no event shall said fee exceed the actual direct and indirect cost of such inspection.
- L. Prior to commencement of the landfill operation the applicant/owner shall file a restrictive covenant for the application area, which shall remain in perpetuity with the property. This covenant shall prohibit the use of the land for human habitation, prohibit the construction of structures which penetrate the final cap or cover, unless authorized by the Health Department; and require approval of the Wichita-Sedgwick County Health Department for use of the land for the production of food crops. The covenant shall be in such form as may be approved by the City Attorney.
- M. The applicant/owner shall erect a sign prior to landfill operation. This sign shall be a minimum 8-foot wide by 4 foot high and be prominently displayed at the site entrance. The sign shall include the display of the following message in 4 inch or larger letters that contrast with the background:

THIS LANDFILL MAY ONLY ACCEPT DEMOLITION WASTE.  
GARBAGE AND HAZARDOUS WASTE IS NOT ALLOWED. LANDFILL  
OPERATES 7:00 AM TO 6:00 PM MONDAY THROUGH SATURDAY.

In addition to above information, the sign shall contain all information required by state agencies. The sign shall be maintained in good repair and be clearly visible.

- N. Prior to the commencement of the landfill operation, the applicant shall remove from the site

all surface material which is not defined as demolition or construction waste by KAR 28-29-3(G) and City Code 7.08.020(8).

- O. Prior to the commencement of the landfill operation, the applicant shall provide for installation and monitoring of a network of at least four wells, which draw water from the
- P. uppermost permanent aquifer. These wells will be installed, constructed, operated and sampled to comply with the requirements of the Wichita-Sedgwick County, and shall remain in operation for 10 years from the date landfill closure. Collection and analysis of samples from the wells will be accomplished on a quarterly basis by the Health Department on a quarterly basis, and the actual costs of the monitoring shall be reimbursed by the applicant/owner. Monitoring of runoff and methane shall also be provided for 10 years after closure of the landfill.
- Q. The applicant shall pave the 31<sup>st</sup> Street entrance, as well as water all unpaved roadways, as needed, in order to minimize dust. Cover material shall be applied daily to the area being filled. The operator shall be responsible for street sweeping as necessary on K-15 to minimize the accumulation of mud or debris.
- R. The applicant shall install traffic detectors at the time the entrance drive is paved, in accordance with City Engineering specifications.
- S. The applicant shall install a deceleration lane to City Engineering specifications on southbound K-15 at the entrance to the landfill, prior to commencement of the landfill operation.
- T. This proposed construction and demolition waste landfill shall be in compliance with all conditions of approval by the MAPC, and/or the Governing Body, as specified above or this conditional use shall be considered null and void.

**Jim Gulick** asked what the NGB level of the railroad track is. **Miller** said 1285 on the North and 1307 on the south.

**Council Member Skelton** asked Miller if he could present the NGB numbers in the equivalent feet so listeners could understand what was being requested. **Miller** said the requested increases were approximately 77 feet higher on the north and 5 feet higher on the south.

**Judy Dillard** asked “why do we want to do this?” **Miller** said he supposed for space efficiency. **Bob Kaplan**, legal representation for the applicant, said he understood that C&D landfills are not popular and people don’t wish to live in proximity to them, but there are certain industries that are necessary, such as cell phone towers and asphalt plants that people don’t like, but are essential

**Kaplan** showed an actual photo of K-15 with a rendering imposed on top of it of what the landfill would look like at the end of 2010. Because he stressed that it was real, **Council Member Skelton** asked for clarification on how it could be a real photo of a time that has not yet arrived. **Kaplan**

confirmed that the landfill portion was a projection, or rendering of what their geologist believes it will ultimately look like.

**Kaplan** said when the 5 foot restriction was added in 2003 and/or 2005; the landfill was already beyond that height. He pointed out the landfill is scheduled for closure in 2010 and the land will return to the City –he said they are covering and closing the landfill as they go along. He further stated that C&D landfills are strictly regulated and that Kay Johnson (Director of Environmental Services) will tell the DAB what a good job Cornejo does. **Kaplan** said “yes, there is blowing trash” but he said they remediate and take care of it immediately.

**Charlotte Foster** said she drove by the landfill and it sure looks higher than 5 feet; she said it looks more like 20 to 25 feet. **Kaplan** said from the time they got approval for the landfill until the time they got permission from KDHE to proceed, they had already lost approximately two years and so they had exceeded the height restriction before it was ever imposed.

**Dustin Richey** said in looking at the elevation map, it looks like a ridge or peak. He wanted to know after the elevation, cover and closure, how much land would remain for a park?

**Paul Clark**, consultant for the applicant from Allied Environmental Consultants, said he has been in the landfill business for 23 years and referred back to the photo. He said no trees can be planted on former landfill sites, so they would only be able to plant grass. **Richey** again questioned if there would be enough flat space for a park. **Clark** said yes, but it would be shaped like a saddle.

**Jim Gulick** wanted to know based on the proposed elevation, considering the 72 foot height to the edge, what the drop would be and how wide it would be. **Clark** said he couldn’t answer that. **Gulick** asked how many feet the drop would be. **Ron Cornejo**, owner of the landfill, said landfills require a 3 to 1 slope so from bottom to top it would be approximately 283 feet. **Clark** said the 3 to 1 slope is a requirement by KDHE.

**Charlotte Foster** said from her observation, the photo looks wider than what the landfill actually appears to be. **Cornejo** said what drives the height of the landfill is the way the river come in and where the landfill get low is where the river comes up.

**Bill Ward** commented that in looking at the elevation map, the 1362 at the north end appears that it can’t be more than 25 feet wide and he doesn’t see how you could have much of a park in that area.

**Kaplan** said 15 years ago the landfill site used to be a sludge pit and it became a motorcycle haven. He said the landfill is better than that, and once the landfill is closed, it will be whatever the City wants it to be.

**Jim Gulick** pointed out that the landfill is scheduled to close 21 months from now. He wanted to know if Cornejo was going to come back and ask for another extension. **Cornejo** said he might come back before the DAB, but it wouldn’t be to request an extension.

**Kenny Dixon, 3010 Conamore,** agreed that the area used to be a sludge pit and he was one of the people riding motorcycles in the area. He said they had a lot of ground to fill before it ever get level with the ground and now it's a mountain and it looks worse than ever.

**Harold Childress, 2975 Evans,** wanted to know when all this is going to stop. He said the dust from both operations is horrible and he wanted to know what's next. He asked "hasn't the neighborhood suffered enough?"

**Debbie Welch, 2818 Conamore,** said her family used to hike along the river and now all the trees are gone and you can no longer access the river. **Cornejo** said when they got their permit in 1997 it required that they stay 80 feet from the river and he said they have done that and they have not touched a single tree.

**James Burleigh, 2110 S. Water,** wanted to know what a C&D is; **Cornejo** said construction and demolition. **Burleigh** said there had been three other landfills in South Wichita that he was aware of and none of them were granted special permissions. He said Boeing, Chapin and S. Hydraulic all had landfills and none of them were allowed to be seven stories high. **Kaplan** said you must have a depository for these materials and rather than open a new one, it makes sense to maximize this one. He said it will look good when it's done.

**Richard Huggins, 2814 E. Sunnybrook,** said the landfill operation is noisy and dusty and on a windy day you can't see across K-15 because of the dust. He said the operation is already 20 to 30 feet above the railroad track and wanted to know why Cornejo didn't conform to the 5 foot requirement. **Cornejo** said they didn't believe they had a height restriction until about three months ago. He said in 2003 the conditional use changed and they weren't aware of it. **Huggins** said he couldn't believe Cornejo went through the approval process and didn't know what was in the agreement. He said people in the neighborhood can't keep anything clean due to the dust.

**Rose Mary Lynch, 3200 Southeast Blvd.,** said she manages the motor home park at the corner of 31<sup>st</sup> and SE Blvd. and she is tired of the dirt. She said she has paperwork from 1997 that states there is a five foot height limit. She said if she wanted to live in the mountains she would move to Colorado and she wants Cornejo to cease and desist because she is tired of having plastic trash bags hanging out of all the trees in her park and \$100,000 motor homes being damaged by the dust created by the landfill.

**Goldie Barnes, 2707 S. Hillside,** said their car sits outside and there is nothing they can do to keep it clean due to the amount of dust in the neighborhood.

**Bob Berry, 3200 Southeast Blvd.,** said he lives, and does maintenance, at the motor home park and there is paper and trash blowing constantly from the landfill into the motor park. He said he picks it up on a daily basis. He said one day there was so much trash blowing across K-15 that cars had to stop to avoid it. He also said there is underground smoldering and in the winter you can see the steam coming out of the landfill. One time he said he witnessed a 20 foot burning fire at the landfill and he doesn't believe it can be healthy for anyone to breathe. **Berry** said he keeps his windows covered and still has to dust every day. He also said there is trash buried below the waterline and he believes it is polluting the river.

**Regina Armenta, 2900 Dunham**, said all day yesterday all she heard was big tractors moving dirt around on top of the landfill. She said they can see the tractors over the top of Honda Motor Sports from her house. She also wanted to know why Cornejo trucks had been driving down Dunham Street for the past two weeks. **Cornejo** said they are building a bike path in the neighborhood.

**George Beran, 3346 S. Rutan**, wanted to know who in the City was responsible for letting Cornejo know there was a 5 foot height restriction. **Dale Miller** said in 1997 when the conditional use was approved, he was told the 5 foot height restriction was taken out, but he cannot locate the paperwork to support that. **Miller** said Mr. Cornejo may be completely honest in saying he didn't know it existed; he said it makes everyone look bad.

**Bob McCune, 3500 Craig**, said he sat on the CPO back in 1997 when the 5 foot height limit was implemented and he doesn't know how it could have gotten erased. He said it appears the south end of the landfill is in compliance, but the north end is a disgrace. **McCune** also said he noticed Cornejo has expanded operations to Hydraulic Street and McCune hopes he doesn't make a mess there like the landfill site.

**Bruce Welch, 2818 Conamore**, said Cornejo and his law firm wouldn't act like this if it was their street that was next to the landfill and putting up with the dust, trash and noise. He said "where do Mr. Cornejo and his lawyers live? Not next to this C&D." **Welch** said yes, the area used to be a sludge pit, but two wrongs don't make a right.

**Elena Ingle, 3608 Meadow Lane**, said she also was on the CPO in 1997 and she also clearly remembered the 5 foot restriction. She said to Cornejo "now we have to look forward to a transfer station; I hope you're not going to build it and then come and ask for permission."

**Paul Davis, 6417 S. Madison**, noted he also served on the CPO in 1997 and recalled the 5 foot height restriction.

**Council Member Skelton** said he was very upset over the fact that the documents and paperwork that would clarify the situation could not be located. He said he planned on discussing it with the City Manager.

**David Robbins, 920 Silverdale Ct.**, asked if sprinkler systems wouldn't help the dust situation. **Cornejo** said they use water trucks when they can, but it's not always possible, especially during cold weather.

**Adam Dixon, 3010 Conamore**, said the echo off the landfill walls from passing trains is extremely bad in the neighborhood. He also pointed out that all the dirt, sand and debris that collects at the intersection of 31<sup>st</sup> and K-15 is a hazard and can also cause damage to vehicles.

**Dale Harshbarger, 2734 Conamore**, said he doesn't remember the sludge pit, but he does recall the large amount of wildlife that used to live where the landfill is, including fox and wild turkeys. He said he misses that.



**Teresa Cook** asked if the height increase were not allowed, where would the debris go? **Kaplan** said it's true he doesn't live in the neighborhood, but even if they don't like it, the City Council approved it and the neighborhood has to live with it until 2010. He also noted again that Kay Johnson supports the efforts that Cornejo makes in running the landfill.

**Jim Gulick** pointed out that Kaplan had twice referred to Kay Johnson approving of the landfill operation, when in fact the Board had a report from Kay Johnson's Department that stated quite the opposite. **Gulick** said he was particularly bothered by the following statement from the report "Over 70% of the violations are recurring indicating that the facility cannot or will not comply with past inspection citations." **Gulick** said he would like to hear from Kay Johnson herself since she was present.

**Kay Johnson**, Director of Environmental Services, said her staff have been called out to the landfill for blowing trash and dust, and that over the past few days, staff has been working with the landfill operators on addressing storm water violations. She said she represents the City of Wichita, not KDHE, and the only way her staff can respond to issues at the landfill is if citizens call them.

**Jim Gulick** asked if she agreed with the report written by her staff person Rebecca Lewis. **Johnson** said the summary is accurate and she does not disagree with the report that 70 percent of the violations are recurring.

**Jim Gulick** asked if the solution to Cornejo's repeated violations is to simply continue to change the conditional use so that Cornejo is no longer in violation. **Dale Miller** said he guessed only Mr. Cornejo would know that.

**Council Member Skelton** asked where the proactive enforcement of landfill regulations lies. **Johnson** said KDHE regulates landfills.

**Dewayne Kitchen** said a representative from KDHE should have been present for the discussion. He wanted to know if the increase was denied, what could be done to finish the landfill today. **Kay Johnson** said they would not advocate trying to lower the existing landfill to the 5 foot height requirement; she said that would cause more environmental damage than what currently exists.

**Kitchen** asked at the current fill rate, approximately when will the landfill be done. **Cornejo** said he expects at the current rate, it will be full before the mandatory closure date in 2010.

**John Kemp** referenced a Wichita Eagle article headlined "State calls landfill a mistake." He also displayed a copy of the 1997 staff report that included the 5 foot height restriction. **Kemp** wanted to know why the conditional use permits are not being enforced. He said it's already dusty and adding 70 more feet is going to create even more dust.

**John Kemp (Dillard)** made a motion to deny the application and City staff recommendation.

**Judy Dillard** responded to Kaplan's remark that a C&D landfill is needed. She said it's needed, but not in the city limits in the middle of neighborhoods.

**Bill Ward** made a friendly motion that Kemp's motion be amended to state that the landfill be restricted to its current level with the exception of areas that have not yet reached the 5 foot limit. **Kemp** accepted this amendment.

**Action: Motion passed 9-0.**

**Revision of Chapter 6.04 (Animal Control and Protection); Deleting Chapter 6.12 (Keeping Animals and Fowl) and Chapter 6.16 (Cats)**

**Kay Johnson, Director of Environmental Services**, presented proposed changes to Chapter 6.04. These revisions include: 1) New pit bull ownership restrictions; 2) Amendments to allow flexibility with rabies vaccination schedule; 3) New animal nuisance provisions; 4) Additional requirements for Commercial Animal Establishments; 5) Comprehensive changes to Animal Maintenance Permit system and increased fees; 6) Changes to Breeder's License requirements including alignment with Unified Zoning Code; 7) Amendments to owning livestock including mandatory acreage requirements; and 8) New regulations for dog parks. Also, Chapters 6.12 and 6.16 were deleted and incorporated into Chapter 6.04.

**Johnson** pointed out that City Council District 3 ranks number two in the city in terms of pit bull issues, following only District 1. She said the primary argument heard from citizens is that the problem is the owners, not the breed. Regardless, she said Wichita has a pit bull problem, and while they are not recommending a breed ban, they do want to place some restrictions on ownership.

Regarding vaccinations, **Johnson** said they are requesting more flexibility whereby veterinarians can decide in their own practices what is best for the animal. She said there will still be a required vaccination because rabies is a fatal disease, but they did make a compromise. She pointed out that just last week there was an incident in the city where a rabid skunk bit two dogs. **Johnson** said she refuses to compromise public health.

**Johnson** referred back to the documents provided to DAB members and gave a brief overview of the new requirements for cats and livestock, regulating animal-related businesses, changes with breeder's licenses and regulations for new dog parks.

**Bill Ward** said he agreed with Johnson on not banning the breed. He said if that happens, people who fight and mistreat pit bulls will just move on to another breed.

**Charlotte Foster** asked for clarification, i.e. if someone is advertising pit bull puppies in the newspaper, do they have to have an AMP? **Johnson** said not necessarily, but they would have to have a breeder's license.

**Teresa Cook** wanted to know how many pit bulls people are allowed under the new ordinance. **Johnson** said two.

**John Kemp** expressed surprise at the requirement that livestock must have one acre and said he didn't know livestock were allowed in the city limits. **Johnson** said there are currently around 180

horses residing within the city limits.

**Debbie Welsh, 2818 Conamore**, said she got a puppy and had it licensed as a pit bull, and now that it's older, it is obvious that the dog isn't a pit bull. She wanted to know if this could be changed; **Johnson** said it could be corrected with a statement from the vet the next time the dog is licensed.

**Rebecca Fouts, 201 W. Kinkaid**, said she is a pet owner and a service dog trainer and she had several concerns with the proposed ordinance changes. She wanted to know if the statistics **Johnson** provided on pit bulls differentiated between dogs owned by families and dogs owned by criminals or drug dealers. **Johnson** said no, but noted that 44 communities in Kansas already have pit bull restrictions. **Fouts** also expressed concerns about pit bull service dogs with regard to ADA requirements, and with the rabies vaccination changes.

**Susan Livingston, 2312 S. Market**, said she had some concerns about leaving the rabies immunization up to the veterinarians because the only fool proof way to tell if a dog is sufficiently immunized is to do a titer test. She said her research indicates a rabies vaccination will last seven to 10 years. **Johnson** said 65 percent of the local veterinarians surveyed indicated they would use the multi-year (3 year) vaccine.

**David Robbins, 920 Silverdale Ct.**, said it's hard to sue a dog. He said he has been bitten by a Sheppard and a pit bull. He wanted to know what provisions are in the ordinances that would allow a bite victim to sue the owner of the dog. **Johnson** said that was a good question and is one she has submitted to the City's Law Department. **Robbins** wanted to know who he should call if he is a victim of a dog attack; **Johnson** said 911.

**John Moskal, 2043 Rose Marie**, said he has owned pit bulls for 26 years and wished everyone Happy Constitution Day. He said he has been to two world championships for pit bulls and has never witnessed a fight. **Moskal** didn't like the fact that the ordinance is 91 pages long and he also said he is against micro-chipping and if a dog is sterilized, it can't be used as a show dog.

**John Stevens, 3125 E. Boston**, said Wichita Independent Neighborhoods (WIN) identified pit bulls as a problem for neighborhoods many years ago. He said after WIN heard multiple stories about dog attacks and property damage, they did a three-year study on the issue. He said people should have the right to walk down the street without being bit by a dog. He also showed a photograph of a local man who was in his own back yard when he was viciously attacked by a pit bull that resulted in \$900 of medical bills. **Stevens** agreed with **Moskal** that the 91-page ordinance was a mess, and to be effective should be written so the average citizen can read and understand it.

**Harold Childress, 2975 Evans**, said he is not a pet owner, but his neighbors have pit bulls and he believes that any dog can be provoked or trained to attack. He said the ordinance changes sound to him like it's the dog being punished and not the owner. He said changes like this could eventually exterminate the breed.

**Pam ?, Rose Marie**, said she doesn't agree with the breed specific restrictions and the City should look at the owners, not the dogs.

**Debra Miller Stevens, 3125 E. Boston**, said she supported the breed specific restrictions and that

people should direct their passion toward the people who are misusing and abusing these dogs year after year. She pointed out we have no problem telling people where they can and can't smoke, so why should pit bull restrictions be any different.

**Richard Huggins, 2814 E. Sunnybrook**, said any dog can be aggressive, or it can be calm, it comes down to the training and handling. He also said his vet told him the rabies shot is good for three years.

**Richard Brown, 4111 Menlo**, wanted to know if service dogs are registered somewhere. He said he saw a woman in Wal-Mart with a pit bull that she said was a service dog and she told him she had a total of three. **Brown** said there is nothing to prevent someone from just putting a service dog vest on any dog and claiming it's a service dog. **Johnson** said the ADA people don't want pit bulls as service dogs, but legally they can't prohibit it.

**Elena Ingle, 3608 Meadow Lane**, wanted to know what was meant by multi-year vaccinations. **Johnson** said there are a one-year vaccination and a three-year vaccination available.

**Gay Quisenberry, 4253 Bayley Ct.**, said she appreciated the fact that the proposed ordinance is a compromise. She said she gets frustrated because if you call Animal Control about a pit bull that is being neglected or mistreated, it pretty much guarantees that the dog is going to be put down if it's taken away. **Johnson** said she expects the situation to improve once Animal Control moves into its new facility with the Humane Society. The Humane Society will handle all adoptions.

**Quisenberry** said she has called in before about animals being abused and she gets caught up between 911 and the Animal Control number. She said 911 tells you to call Animal Control, and when you call Animal Control you get a voice mail that tells you to call 911. She also said a WPD Officer told her that it doesn't do any good for police to write up animal abuse cases because the District Attorney's Office won't prosecute them. **Johnson** said the District Attorney is becoming more open to prosecuting these cases.

**John Kemp** said he doesn't believe you have to train pit bulls and Rottweilers to be vicious; he said one of his nephews was killed by a Rottweiler.

**Judy Dillard** said she understands the concern about pit bulls, but she is more concerned about all vicious dogs. She said there are days she won't walk her dog due to other dogs running at large. **Dillard** said she was pleased they are not advocating a breed specific ban, and she also likes the rabies vaccination option.

**DeWayne Kitchen** said any animal can be vicious, including pigs and geese. He said dogs become a particular problem when they are running loose and they pack up. He has witnessed dog packs attack cattle. He said there are parts of the proposed ordinance that are very good and other parts that aren't.

**DeWayne Kitchen (Kemp)** moved that the board approve the recommended ordinance changes for approval by the City Council.

**Dustin Richey** thanked Johnson for the hard work her staff had done on preparing the ordinance changes.

**Billie Tucker** asked how many animal control officers the City has; **Johnson** said 16.

**Dustin Richey** said he felt like the ordinance changes were good, although he's not sure they will reduce the number of problems. He said he doesn't believe the nuisances are necessarily breed specific and feels like the ordinance would be applicable to all breeds.

**Action: Motion passed 8-1.**

## **BOARD AGENDA**

### **Updates, Issues and Reports**

There were no reports from DAB members

**Paul Davis, 6417 S. Madison**, complimented Officer Dwain Diehl for his actions on a recent car stop. **Davis** said Officer Diehl had recently pulled over a motorist who was driving erratically and found out the person was over medicated. Officer Diehl made arrangements for someone to come pick up the citizen and asked **Davis** if it was okay to leave the citizen's vehicle parked at Davis' place of business until someone could come pick it up. **Davis** said he was impressed with how Officer Diehl went out of his way to accommodate this citizen who was having medical problems.

**Action: Receive and file.**

**Meeting was adjourned.**

The next regularly scheduled meeting for District Advisory Board III will be held at 7 p.m., April 1, 2009, at the Water Center at 101 E. Pawnee.

Respectfully submitted,

Janet Johnson, Neighborhood Assistant – District III

### **Guests**

Elena Ingle	3608 Meadow Lane
David Robbins	920 Silverdale Ct.
Paul Davis	6417 S. Madison
Claudia Lee	2826 Greenwood
Donna Thorton	2714 Southfork
Bill Barnes	2707 S. Hillside
Goldie Barnes	2707 S. Hillside
Lynda Novotny	1209 Jump
Ray Fees	1624 S. Waco
John Moskal	2043 Rose Marie
Pam Finkbeiner	1134 S. Quentin

John Stevens	3125 E. Boston
George Beran	3346 S. Rutan
Toni Beran	3346 S. Rutan
Betty Strickland	1302 Galena
Chuck Loper	2809 Conamore
Brenda Loper	2809 Conamore
Rose Marie Lynch	3200 Southeast Blvd.
Christine Price	3200 Southeast Blvd.
MarQuell Woods	Youthville
Rebecca Fouts	201 W. Kinkaid
Morgan Koon	956 N. Woodrow
Jim Ratliff	2730 Conamore
Reginia Armenta	2900 Dunham
Marilyn Johnson	538 W. 31 <sup>st</sup>
Harold Childress	2975 Evans
Dale Harshbarger	2734 Conamore
Bob McCune	3500 Craig
David Robbins	920 Silverdale Ct.
Chuck Dalem	1002 Denker
Susan Livingston	2312 S. Market
James Burleigh	2110 S. Water
Debra Miller Stevens	3125 E. Boston
Marty Cornejo	2060 E. Tulsa
Richard Huggins	2814 E. Sunnybrook
Annette Schoenthaler	1314 Galena
BA Ruedebusch	3200 Southeast Blvd
Bob Berry	3200 Southeast Blvd.
Carole Campbell	2821 S. Mosley
Paul Clark	1109 N. Topeka
Debbie Welch	2818 Conamore
Bruce Welch	2818 Conamore
Joe Goff	3401 Crystal
Dixie Goff	3401 Cystal
Kenneth Dixon	3010 Conamore
Adam Dixon	3010 Conamore
Wanda Harrison	2801 E. Sunnybrook
Richard Brown	4111 Menlo
Gay Quisenberry	4253 Bayley Ct.
Ron Cornejo	
Bob Kaplan	
Pam	Rose Marie